

#### REMARKS

In the present Office Action, claims 1-42 were pending before the Office. Of these, claims 1, 6, 10, 12, 17, 22, 26, 28, and 33 were the only independent claims.

Claims 1-42 were rejected under 35 U.S.C. § 103.

Claims 1, 6, 10, 12, and 13 are hereby amended. No new matter has been added by the amendments. Claims 17-34, 38-40, and 42 are hereby cancelled without prejudice. No claims are hereby added or withdrawn.

#### A. CLAIMS REJECTION UNDER 35 U.S.C. § 103 OF CLAIMS 1 AND 3-5

Claims 1 and 3-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0029286 to *Gioquindo et al.* (hereinafter "*Gioquindo*") in view of U.S. Patent Publication No. 2002/0091786 to *Yamaguchi et al.* (hereinafter "*Yamaguchi*"). Applicants respectfully traverse this rejection for at least the reasons discussed below.

Independent claim 1 now recites, inter alia:

transferring the frame or packet from the adapter cache memory directly to a receive queue of each of the one or more partitions to which the frame or packet is to be sent.

The Office Action relies on *Gioquindo* and *Yamaguchi* in rejecting a previous version of the above feature. *Gioquindo* relates to communication between multiple partitions employing a host-network interface and discusses an arrangement in which partitions 113, 115, and 117 use a communication adaptor 120 to communicate amongst themselves and between themselves and a network, as illustrated in FIG. 3 of *Gioquindo*.

Applicants respectfully submit that neither FIG. 3 of *Gioquindo* nor the cited portions of *Yamaguchi* disclose transferring a frame or packet from the adapter cache memory

directly to a receive queue of each of the one or more partitions to which the frame or packet is to be sent. Accordingly, Applicants respectfully submit that the proposed combination may not be properly relied upon for disclosing the transferring feature as recited.

Applicants respectfully submit that for at least the above reasons, the Office Action fails to establish a prima facie case of obviousness. Accordingly, withdrawal of the §103 rejection is respectfully requested.

**B. CLAIMS REJECTION UNDER 35 U.S.C. § 103 OF CLAIMS 2 AND 36**

Claims 2 and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gioquindo* in view of *Yamaguchi* and further in view of U.S. Patent Publication No. 2003/0149844 to Duncan et al. (hereinafter "*Duncan*"). Applicants respectfully traverse this rejection for at least the reasons discussed below.

Claims 2 and 36 depend directly or indirectly from claim 1. The rejection of claim 1 is traversed as set forth above. The cited portions of *Duncan* fail to cure the deficiencies of *Yamaguchi* and *Gioquindo*. Therefore, it is respectfully submitted that claims 2 and 36 are also in condition for allowance.

**C. CLAIMS REJECTION UNDER 35 U.S.C. § 103 OF CLAIMS 6-9, 37, AND 41**

Claims 6-9, 37, and 41 stand rejected under 35 U.S.C. 103(a) as being unpatentable in view of U.S. Patent Publication No. 2003/0236852 to *Fernandes et al.* (hereinafter "*Fernandes*") in view of *Yamaguchi* in view of *Gioquindo* and further in view of U.S. Patent No. 5,956,714 to *Condon* (hereinafter "*Condon*"). Applicants respectfully traverse this rejection for at least the reasons discussed below.

Independent claim 6 now recites, inter alia:

transferring the frame or packet corresponding to the selected partition from a transmit queue of the selected partition directly to the adapter cache memory[.]

The Office Action relies on *Fernandes* in rejecting a previous version of the above feature. The primary citation to *Fernandes* relates to sharing a network adapter among multiple logic partitions in a data processing system and discusses an arrangement in which a network adapter 225 permits logic partitions 201a and 201b to communicate.

Applicants respectfully submit that neither the cited portions of *Fernandes*, *Yamaguchi*, *Gioquindo*, nor *Condon* disclose transferring a frame or packet corresponding to the selected partition directly to the adapter cache memory. Accordingly, Applicants respectfully submit that the proposed combination may not properly be relied upon for disclosing the transferring feature as recited.

Applicants respectfully submit that for at least the above reasons, the Office Action fails to establish a prima facie case of obviousness. Accordingly, withdrawal of the §103 rejection is respectfully requested.

**D. CLAIMS REJECTION UNDER 35 U.S.C. § 103 OF CLAIMS 10 AND 11**

Claims 10 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable in view of *Fernandes* in view of U.S. Patent Publication No. 2004/0202189 to *Arndt et al.* (hereinafter "*Arndt*") and further in view of *Gioquindo* and further in view of U.S. Patent No. 6,854,021 to *Schmidt et al.* (hereinafter "*Schmidt*"). Applicants respectfully traverse this rejection for at least the reasons discussed below.

Independent claim 10 now recites, inter alia:

at least one of transferring a frame or packet from the transmit queue of one of the plurality of partitions directly to the adapter cache memory, and transferring a frame or packet from the adapter directly to the receive queue of one of the plurality of partitions.

The Office Action relies on *Fernandes* in rejecting a previous version of the above feature. However, similarly as noted above, Applicants respectfully submit that the cited portions of *Fernandes* fail to disclose either transferring a frame or packet from the transmit queue of one of the plurality of partitions directly to the adapter cache memory, or transferring a frame or packet from the adapter directly to the receive queue of one of the plurality of partitions. Further, Applicants respectfully submit that neither *Arndt*, *Gioquindo*, nor *Schmidt* disclose the above feature. Accordingly, Applicants respectfully submit that the proposed combination may not properly be relied upon for disclosing the transferring feature as recited.

Applicants respectfully submit that for at least the above reasons, the Office Action fails to establish a prima facie case of obviousness. Accordingly, withdrawal of the §103 rejection is respectfully requested.

**E. CLAIMS REJECTION UNDER 35 U.S.C. § 103 OF CLAIMS 12-16**

Claims 12-16 stand rejected under 35 U.S.C. 103(a) as being unpatentable in view of *Fernandes* and further in view of *Gioquindo* and further in view of U.S. Patent Publication No. 2003/0023826 to *McMicheal et al.* (hereinafter "*McMicheal*"). Applicants respectfully traverse this rejection for at least the reasons discussed below.

Independent claim 12 now recites, inter alia:

allowing the new partition to directly share the adapter with one or more other partitions of the computer system.

The Office Action relies on *Fernandes* in rejecting a previous version of the above feature. However, similarly as noted above, Applicants respectfully submit that the cited portions of *Fernandes* fail to disclose allowing a new partition to directly share the adapter with one or more other partitions of the computer system. Further, Applicants respectfully submit that neither *Gioquindo* nor *McMichael* disclose the above feature. Accordingly, Applicants respectfully submit that the proposed combination may not properly be relied upon for disclosing the allowing feature as recited.

Applicants respectfully submit that for at least the above reasons, the Office Action fails to establish a prima facie case of obviousness. Accordingly, withdrawal of the §103 rejection is respectfully requested.

**F. CLAIM REJECTION UNDER 35 U.S.C. § 103 OF CLAIM 35**

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable in view of *Gioquindo* in view of *Yamaguchi* and further in view of *Fernandes*. Applicants respectfully traverse this rejection for at least the reasons discussed below.

Claim 35 depends from claim 1 and is patentable for at least the reasons set forth above. The citation to *Fernandes*, for reasons similar to those discussed above, do not remedy the aforementioned deficiencies in *Gioquindo* and *Yamaguchi*. Therefore, it is respectfully submitted that claim 35 is also in condition for allowance.

**G. CONCLUSION**

Since Applicants assert that all the independent claims are in condition for allowance and all remaining claims properly depend from the independent claims, Applicants assert that all claims are allowable.

A separate request for an extension of time is enclosed herewith, with authorization to charge the requisite extension fee to Deposit Account No. 04-1696. Applicants do not believe any other request for extension of time is required but if it is, please accept this paragraph as a request for an extension of time and authorization to charge the requisite extension fee to Deposit Account No. 04-1696. Applicants do not believe any additional fees are due regarding this amendment. However, if any additional fees are required, please charge Deposit Account No. 04-1696.

Respectfully Submitted,



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